

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

RANDELL KERBY and CHERYL KERBY,
in her individual capacity and on behalf of her
minor children, J.R.K. (1) and J.R.K. (2)

No. 2:12-cv-00544-MO

ORDER

Plaintiffs,

v.

RHIANA SHERIDAN, in her individual and official
Capacity; **JOHN TRUMBO**, in his individual and
Official capacity; **UMATILLA COUNTY**, and Oregon
Municipality; **JANELLE HINES**, in her individual and
official capacity; **GAY DAVIS**, in her individual and official
capacity; **HEALTHER SUING-HORNING**, in her individual
and official capacity; and **KATHRYN HANSEN**, in her
individual and official capacity,

Defendants.

MOSMAN, J.,

I hereby DENY Plaintiff's Motion for Partial Summary Judgment against Defendant Gay Davis [168]. Plaintiffs have not shown that there is no genuine issue of material fact as to whether the executive action taken by Ms. Davis was unwarranted. *See Crowe v. Cnty. of San Diego*, 608 F.3d 406, 441 & n.23 (9th Cir. 2010). For similar reasons, I DENY summary judgment as to the question of Ms. Davis's qualified immunity. An explanatory opinion and order will follow. IT IS SO ORDERED.

DATED this 20th day of February, 2015.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge